



W.P.(MD)No.19892 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19892 of 2023

K.Mayil

... Petitioner

versus

1. The District Collector,
Madurai District.

2. The District Differently Abled
Welfare Officer,
District Disabled Rehabilitation Office,
Collectorate, Madurai,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st respondent to appoint the petitioner as the guardian of her sister namely S.Amirthavalli, who is affected by Mild MR (Mental Retardation) and Chronic Mental illness under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (Central Act 44 of 1999) and the National Trust for Welfare of Persons with Austim, Cerebral Palsy, Mental



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Retardation and Multiple Disabilities Rules, 2000.

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For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner's sister one Amirthavalli is affected with mental retardation to an extent of 50%. The Medical Officer, Usilampatti, has also certified to that effect. The petitioner claims that after the demise of her parents, she is the guardian for her younger sister Amirthavalli. According to her, for every mentally disordered persons, the Government is providing Rs.2,000/- as relief fund. The second respondent is giving the relief fund of Rs.2,000/- to her sister Amirthavalli. However, for the past few months, the second respondent has stopped the said payment for want of Guardianship Certificate. Therefore, the petitioner has approached the first respondent and submitted an application in the prescribed Form-A under the National Trust for Welfare of Persons with Autism, Cerebral



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Palsy, Mental Retardation and Multiple Disabilities Rules 2000, requesting him to appoint her as Legal Guardian for her sister Amirthavalli, on 20.07.2023. Since the first respondent has not taken any steps on the said application, the petitioner has filed this writ petition.

2. Ms.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents, on written instruction received from the District Differently Abled Welfare Officer, Madurai District, submits that the application of the petitioner for appointing her as a legal guardian for her sister Amirthavalli is under process. The petitioner is expected to produce a legal heir certificate and a consent certificate from her sisters, namely, Santhanalakshmi and Panchavarnam. On production of these documents, the petitioner's application would be decided within a reasonable time.



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3. Considering the said submission, this writ petition is disposed of with a direction to the petitioner to obtain a necessary legal heir certificate from the appropriate authority and furnish the same before the District Differently Abled Welfare Officer, Madurai, along with the consent letter of her sisters Santhanalakshmi and Panchavarnam. On production of these documents, the second respondent shall forward the same to the first respondent/the District Collector, Madurai. On receipt of the same, the first respondent/the District Collector, Madurai shall consider the same and pass necessary orders within a period of four weeks from the date of receipt of those documents. No costs.

18.08.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The District Revenue Officer,
Sivagangai District.
Sivagangai.



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B.PUGALENDHI, J.

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2. The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
3. The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

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